

from adding qualifications. But the fact, as the dissent points out, is that the Constitution is silent on the matter. And the 10th amendment could not be more clear: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." The plain language of the Constitution says that unless the Constitution prohibits states from adding qualifications about who can represent them in Congress, they should have the ability to do so. Whether a particular qualification, such as not having served more than three terms in the U.S. House, is a good idea or not is irrelevant.

If one accepts the majority opinion, then all other state qualifications are unconstitutional. These would include requirements that Congressman must live in the district that they represent, or that they not be a convicted murderer. Justice Thomas points out the absurdity of the situation where states have the right to restrict those who can vote in an election, but not the right to say who can run when he says: "the people of each state must leave open the possibility that they will trust someone with their vote in Congress even though they do not trust him with a vote in the election for Congress."

Actually, the Arkansas law would allow Congressmen to serve more than three terms, it just would require them to be a write-in candidate. The majority ruling was that this disadvantages a class of candidates, and holds that an amendment with the purpose of handicapping a class of candidates is in violation of the Qualifications Clauses and cannot stand. As the dissent again points out, this would mean that one could argue that the current congressional campaign finance system disadvantages challengers, and thus is unconstitutional. The same arguments could be raised against any redistricting plans of the various states.

It has not been well-reported that the implications of the majority opinion could go well beyond term limits. As other related issues come before a future Supreme Court, it is possible that the U.S. Term Limits versus Thornton decision will be overturned. Of course, this would be well into the future. An interesting question is, where do we go from here?

I am committed to term limits, and have directed the House Clerk to take my name off the congressional roll after six terms. I believe a majority of Americans now realize that our government is going to be better led by a citizen legislature than by career politicians. The court decision means that neither Congress nor the States can impose term limits by statute. Unless the decision is overturned, there must be a constitutional amendment to allow for term limits. While term limits supporters are often divided on the exact constitutional language for term limits, I expect them to agree on a

form which will be able to gather the necessary two-thirds vote. Despite having a majority in the House in favor of term limits, the vote was 61 short of passing a constitutional amendment in March. Should the people continue to pressure the Congress a constitutional amendment will be enacted.

Another option is the use of Article 5 to call for a constitutional convention. While it is true that all 27 constitutional amendments have come through the Congress, mounting a drive for a convention would add to the pressure on Congress to pass a term limit amendment and would keep the movement on the front burner in each of the States.

I believe strongly that the citizens of each of our 50 States have the right to choose how to govern themselves. The people of any State should be able to enact and enforce qualifications for their representatives. Term limits address the broader issue of limiting the growth of our leviathan government. As George Mason said during the general debate on the ratifying of the constitution in 1778: "Nothing so strongly impels a man to regard the interests of his constituents as the certainty of returning to the general mass of the people from whence he was taken." Congress must not become a perpetual body. It must be made up of citizen legislators who, in the words of Thomas Jefferson, "might have in idea that they were at a certain period to return into the mass of people and become the governed instead of the governors." Term limits will accomplish this and States deserve to have their 10th amendment rights be recognized.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

[Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. FIELDS] is recognized for 5 minutes.

[Mr. FIELDS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

IMMIGRATION LAW ADVERSELY IMPACTED IN FOREIGN AID BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

Mrs. SCHROEDER. Madam Speaker, I take the floor to talk about a very serious promise that I think has been broken. Early on, we heard a lot of people talking about how wonderful it was that we were going to have open rules, open rules when we discussed issues in this Congress, and everybody said, oh, that's great, and finally we are going

to be able to discuss everything fully and so forth.

Well, next week we are going to be bringing the Armed Services Committee bill to the floor, and I know it is now called the National Security Committee, but that bill comes to the floor. I have served on that committee for 22 years, and we have always brought it to the floor under an open rule. I hear this time it is going to be closed. They are going to narrow it down and it is going to be closed.

Today we just ended the foreign affairs bill that has been on the floor. We used to call it foreign aid. Now it has got some other fancy title. It is basically foreign aid. But let me tell you, it is under a very narrow, narrow, narrow rule in which many of us are not going to be able to discuss some very critical issues in there.

The issue that I wanted to talk about, and if we do not get to discuss this with an amendment, I hope people vote against this whole bill, is the portion of what we are doing to the immigration law. I do not even think it belongs in this bill, but we are severely modifying the immigration law to apply in a whole new way. Let me tell you what we are doing.

Right now the immigration law says you cannot emigrate to the United States unless you prove that that law, the laws of the land, are being discriminated in how they are applied against you. There is a discriminatory application against you because of your beliefs, and, therefore, you are not being treated equally.

Let's take it into some neutral area that many people won't get as impassioned about. Let's talk about conscription. If a person lives in a country that has universal conscription and you are upset about conscription and do not believe in the draft, you cannot emigrate to the United States on the basis that you don't believe in the draft and you are living in a country where there is a draft, so, therefore, you have the right to come here.

You could come to the United States if you had been out leading the movement against the draft and because of that your country put you in jail or because of that your country did all sorts of other discriminatory acts toward you. Then you would be made a political refugee because you had been out exercising your political rights in your country and they had made a target of you. That is how we have enforced the law.

However, in this bill, we are changing it vis-à-vis population policy, and we are saying that if a person does not like the population policy of the country that they are in, they can then come to the United States because they feel that they are going to be discriminated against.

□ 2100

Boy, is that a change. Boy, is that a major change. And I think that because we do not understand the great

body of case law that has grown up in this area we are apt to do very serious damage if we let this bill go through without dealing with this issue and trying to educate Members with this issue.

The problem that I have is I am not on the committee so I do not know how I get recognized. There is a whole hour and 45 minutes left with any number of Members on the committee that have not even had their amendments recognized. And when the hour and 45 minutes goes, boom, the hammer comes down, that is it, vote on the bill, it is out of here.

I just am very, very shocked that we have so soon forgotten our pledge to have open rules, and I think in the area of foreign affairs we have had open rules every time I remember. I know the distinguished gentleman from Maryland [Mr. HOYER] has a very critical amendment that he would like to offer that is on the front pages of every newspaper. I probably disagree with him on how I would vote, but I think he has the right to offer it, and I just find it very surprising that we are not going to permit that, and in an hour and 45 minutes tomorrow that is it, we are done.

Maybe on this globe we may have all sorts of global issues discussion, there may be all sorts of different things that were not dealt with; they fall off the table and we adjourn.

I just think the American people should be more than aware that there is a lot of talk about open rules, but I have not seen one in a long time.

I am going to ask the gentleman from Maryland, has he seen any open rules wandering around this Chamber anywhere?

Mr. HOYER. I have not seen any open rules, if the gentlewoman will yield, that really give open debate, and that is the issue. The gentlewoman mentions the 6 hours of debate or the hour and 45 minutes. The tragedy for the American public and for the House of Representatives is that of that hour and 45 minutes, 45 minutes to an hour may be taken up in simply voting, no debate, no consideration, no thoughtful exchange of ideas as to what is good and bad policy.

Mrs. SCHROEDER. The gentleman is absolutely correct. It is a very sad day.

The SPEAKER pro tempore (Mrs. MORELLA). Under a previous order of the House, the gentleman from California [Mr. RIGGS] is recognized for 5 minutes.

[Mr. RIGGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

LIFE EXTENDING AND LIFE SAVING DRUG ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Madam Speaker, as was aptly described by Carl B. Feldbaum, president of the BioTech Industry Organization, "Life-saving new drugs do take too long to reach the people who need them."

From my district in Montgomery County, PA, I have heard many a compelling story from constituents with cancer, Lou Gehrig's Disease, epilepsy, or AIDS who speak of the difficulties in accessing the medicines they need because the approval process in our country is so prolonged and, in effect, they have to turn to other countries where the products are available.

Don't get me wrong. The Food and Drug Administration serves a valuable purpose in maintaining high safety and efficacy standards. However, it is important to note that the FDA's actions directly affect the lives of patients and the ability of physicians to provide state-of-the-art care for their patients.

In addition, the FDA regulates businesses that produce 25 percent of America's gross national product, so the Agency's actions also impact our country's economic well-being. The pharmaceutical industry is an excellent example. The United States leads the world in discovering new drugs yet, all too often, these drugs are available overseas first. The United States is far and away the world leader in biotechnology, but many biotechnology firms are moving clinical trials overseas because of red tape imposed on them by the FDA. These are very troubling trends that do not bode well for the economic future of the United States, or for the economic future of Pennsylvania.

In my 13th Congressional District of Pennsylvania alone, we have 10 facilities of 4 major pharmaceutical companies. Together, these facilities employ more than 11,000 people. I would not want to see any of these constituents lose their jobs because FDA regulation is prompting companies to conduct some of their work overseas.

Americans want safe medicines. They want a strong FDA that will keep unsafe products off the market but, I believe, they want to see more emphasis on the value of giving patients quicker access to safe and effective new medicines. That is why, today, I am introducing the Life Extending and Life Saving Drug Act. We need to take action as soon as possible for the great benefit of this Nation's patients, physicians, and our emerging industry. I look forward to working with my colleagues to act quickly on this critical piece of legislation.

THE TIMBER AMENDMENT IN THE RESCISSIONS BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. TAYLOR] is recognized for 5 minutes.

Mr. TAYLOR of North Carolina. Madam Speaker, today the President of the United States vetoed the rescission

bill that had been worked on for many weeks in this Congress by the House and the Senate and then in conference, and in that rescission package were many things that I think are important to the Nation, but one thing that was very important for forest health was the timber salvage amendment. The salvage amendment called for increasing forest health by allowing and actually requiring the Forest Service to get rid of the large portion of the dead and dying and deceased timber in our national forests.

We have several problems in the national forests. First of all there have been billions of board feet, there are somewhere between 20 and 30 billion board feet that are dead and dying in the forest that need to be taken out. The dead trees in the West are accumulating so fast that forest fires are not only burning along the ground as they once did, they are now burning to high degrees because of the buildup of dead and dying timber that has already accumulated in the forests. They reach temperatures of over 2000 degrees. They bake the land, charcoal runs over in the streams, it makes it almost impossible to come back and reforest in those areas. Many thousands of acres have been blown down through wind damage. These are also hard to reforest, to return to forest health.

Insects and disease in our national forests are not only consuming parts of our national forests but they are moving over into private lands. Most silviculturalists recognize the only way to stop the insect-infested movements is to destroy the tree, take out the host tree, either burn it or use it if you can get to it early enough, remove it so that there is not the location for the insects to move on year after year.

We know all of this because we have over 100 years of silviculture at our disposal, both from our best universities that have taught forestry going back almost 100 years when the first school of forestry started in this country. We know it from numerous experimental stations that we have, both private, Federal, and State and at university centers. We know it because silviculture is a science that is taught and studied and is probably one of the best informed sciences that we have because we have been studying for over 100 years in this area now.

With all of this accumulated knowledge we allow special interest groups in Washington to take in hundreds of millions of dollars, scaring people with misinformation, bad science, and pandering to politicians. The President has bought their message, hook, line, and sinker, because according to a Wall Street Journal story about the polling of the environmental organizations in Washington, we find that over 93 percent voted for Mr. Clinton. They are primarily far left. The report also showed that they are contrary in most of the things they report to the actual science that we know in these areas.